

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11cv299**

CARLA HUTCHINSON HARDY,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL J. ASTRUE,)
 Commissioner of Social Security,)
)
 Defendant.)
 _____)

ORDER

Pending before the Court are the Plaintiff's Motion for Summary Judgment [# 11] and Motion to Remand [# 10]. As a threshold matter, this Court's Local Rules require the filing of both a motion and separate brief. LCvR 7.1(C). Plaintiff, however, failed to file a separate brief in support of his Motion to Remand. Accordingly, the Court **STRIKES** the motion [# 10] for failure to comply with Court's Local Rules.

In addition, this Court recently warned counsel for Plaintiff in a Memorandum and Recommendation entered in Pyles v. Astrue, as follows:

The Court notes that counsel for Plaintiff has numerous social security appeals pending before the Court. In many of these cases, counsel has filed similar briefs that lack citations to legal authority and fail to clearly articulate the alleged errors committed by the ALJ. The Court warns counsel that going forward, the Court will consider striking any brief

submitted by counsel in a social security case that does not separately set forth each alleged error and contain legal authority supporting each of the claimant's alleged errors.

Pyles v. Astrue, No. 1:11cv116, slip. op. at 6-7 n.2 (W.D.N.C. Mar. 19, 2012)

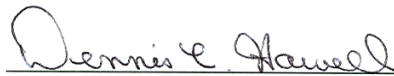
(Howell, Mag. J.). Plaintiff is represented by the same counsel in this case, V.

Lamar Gudger, III, Esq. Like in Pyles, Plaintiff's Memorandum in Support of her Motion for Summary Judgment fails to cite legal authority supporting each of her alleged errors. Accordingly, the Court **STRIKES** the Plaintiff's Motion for Summary Judgment [# 11] and Memorandum in Support of Motion for Summary Judgment [# 12]. The Court, however, will allow Plaintiff twenty (20) days from the entry of this Order to submit a new motion and supporting brief. The Court will disregard any portion of the brief that is not supported by citations to legal authority. No extension of this deadline will be granted.

Moreover, the Court will not grant counsel any further extensions of time to file his briefs in any Social Security cases pending before the Court in which he represents the Plaintiff. If counsel cannot provide the Court with legal authority supporting his arguments, then no extension of time is needed to research and draft briefs with the Court. Finally, the Court **INSTRUCTS** counsel that the Court will not allow counsel an opportunity to submit a new brief in any case in which the brief was filed with the Court after the entry of this Order. Instead, the Court will

strike the motion and brief as a matter of course and recommend to the District Court to dismiss without prejudice the complaint for failure to comply with a lawful Order of this Court.

Signed: March 22, 2012



Dennis L. Howell
United States Magistrate Judge

